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Security Council

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Statement by the President of the Security Council

At the 6374th meeting of the Security Council, held on 25 August 2010, in connection with the Council's consideration of the item entitled "The situation in Somalia", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council continues to be gravely concerned by the threat that piracy and armed robbery at sea against vessels pose to the situation in Somalia and other States in the region, as well as to international navigation and the safety of commercial maritime routes.

"The Security Council strongly believes that persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia, including those who incite or intentionally facilitate such acts, should be brought to justice, and considers in this regard that the effective prosecution of suspected pirates and their supporters may deter future pirate attacks. The Council therefore deems it of utmost importance to find long-term solutions to the problem of prosecuting suspected, and imprisoning convicted, pirates, which achieve and sustain substantive results with a view to contributing to the reinforcement of the rule of law in Somalia, and recalls in this regard that peace and stability within Somalia, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a durable eradication of piracy and armed robbery at sea off its coast.

"The Security Council welcomes the report of the Secretary-General (S/2010/394), as requested by its resolution 1918 (2010), on possible options to further the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia, including, in particular, options for creating special domestic chambers possibly with international components, a regional tribunal or an international tribunal and corresponding imprisonment arrangements, taking into account the work of the Contact Group on Piracy off the Coast of Somalia ("CGPCS"), the existing practice in establishing international and mixed tribunals, and the time and resources necessary to achieve and sustain substantive results. The Council notes that the report identifies the challenges faced in tackling this problem, in particular the limited judicial capacity of States in the region, prison capacity and repatriation arrangements for suspects prosecuted by foreign courts, and

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believes that it provides a solid base for future work in order to enhance international, regional and national cooperation in bringing pirates to justice.

"The Security Council commends the ongoing efforts of States, including States in the region, in particular Kenya and the Seychelles, to prosecute suspected pirates in their national courts, stressing the need for all States to continue these efforts, including through criminalizing piracy under their domestic law.

"The Security Council stresses the need for States and international organizations to continue addressing the problem of the limited capacity of the judicial and the corrections systems of Somalia and other States in the region to effectively prosecute and detain, pending trial, suspected, and imprison convicted, pirates. In this regard the Council appreciates the assistance being provided by the United Nations Office on Drugs and Crime and other international organizations and donors, in coordination with the CGPCS, to enhance the capacity of the judicial and the corrections systems in Somalia, Kenya, the Seychelles and other States in the region to prosecute suspected, and imprison convicted, pirates consistent with applicable international human rights law. The Council also reaffirms that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982, in particular its articles 100, 101 and 105, sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities.

"The Security Council emphasizes the need for regular review of progress achieved in prosecution of and imprisonment of persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia, including those who incite or intentionally facilitate such acts, with a view to considering possible further steps to ensure that such persons are held accountable. The Council encourages the CGPCS to continue discussion in this regard, taking into account advantages and disadvantages of the various options described in the Secretary-General's report.

"The Security Council welcomes the intention of the Secretary-General to appoint a Special Adviser to him on Legal Issues Related to Piracy off the Coast of Somalia, bearing in mind the importance of the coordination of efforts by the Secretariat, including the Special Adviser, with the ongoing work of all relevant international actors.

"The Security Council requests the Secretary-General to include in his report to the Council pursuant to paragraph 17 of its resolution 1897 (2009) any new information and observations, taking into account the work of the CGPCS, on possible ways to advance the ongoing cooperation, including with States in the region in prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia.

"The Security Council expresses its intention to remain seized of the matter."